

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MICHAEL R. CHUBB

Plaintiff,

v.

SAM BROWNBACK et al.,

Defendants.

Case No. 14-cv-03227-DDC-DJW

ORDER TO SHOW CAUSE

Under Federal Rule of Civil Procedure 4(m), a plaintiff has 120 days after filing a complaint to serve process on a defendant. Rule 4(c)(3) provides that the court must order the United States Marshal or Deputy Marshal to effect service when a plaintiff is proceeding *in forma pauperis* under 28 U.S.C. § 1915.

On September 23, 2015, our court granted plaintiff, in this case, *in forma pauperis* status. Doc. 6. That same day, Judge Waxse ordered the Clerk of the Court to prepare waiver of service forms for, among others, Clifford Voelker, John Reid, and Megan Brabb, for the United States Marshals Service to serve under Rule 4(c)(3). *Id.* The Marshals Service was unable to complete service on Mr. Voelker, Mr. Reid, and Ms. Brabb, however, because they are no longer employees at the Larned State Hospital. Dkt. Nos. 8–10. As a consequence, the record contains no suggestion that these defendants ever were served. Also, plaintiff has provided no other addresses where the Marshals Service should attempt service. It remains plaintiff’s responsibility to “cooperate with the Marshals Service and take reasonable steps to identify the defendant by name and address so that service can be accomplished.” *Nichols v. Schmidling*, No. 10-2086-JAR, 2012 WL 10350, at *2 (D. Kan. Jan. 3, 2012) (citing *Everetson v. Topeka*

Ass'n for Retarded Citizens, No. 05-4046-SAC, 2005 WL 2988716, at *1 (D. Kan. Oct. 11, 2005)). If the Marshals Service “is unable to effectuate service . . . with the information . . . provided, the onus remains upon plaintiff to discover and submit sufficient information for service of all defendants he has named in [his] lawsuit.” *Leek v. Thomas*, No. 09-3036-SAC, 2009 WL 2876352, at *3 (D. Kan. Sept. 2, 2009).

IT IS THEREFORE ORDERED THAT plaintiff must file a notice with the court providing the current address of defendants Clifford Voelker, John Reid, and Megan Brabb within 45 days from the date of this order. Failing to provide these addresses will result in dismissal of plaintiff’s Complaint against these defendants, consistent with Rule 4(m).

IT IS SO ORDERED.

Dated this 27th day of September, 2016, at Topeka, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge